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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,594	06/25/2003	Viren Kapadia	52493.000253	1431

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HUNTON & WILLIAMS LLP  
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1900 K STREET, N.W.  
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WASHINGTON, DC 20006-1109

EXAMINER

MCCORMICK, GABRIELLE A

ART UNIT	PAPER NUMBER
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3629

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/602,594	<b>Applicant(s)</b> KAPADIA ET AL.	
	<b>Examiner</b> Gabrielle McCormick	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/29/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is in reply to the application filed on June 25, 2003.
2. Claims 1-20 are currently pending and have been examined.

### ***Information Disclosure Statement***

3. The Information Disclosure Statement filed on March 29, 2004 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 recites the limitation "the user" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. **Claims 1-4, 6-8, 10-14 and 17-20** are rejected under 35 U.S.C. 102(b) as being anticipated by Leadtrack.com (pages documented from the Internet Archive on July 21, 2001 (<http://web.archive.org/web/20010806083606/leadtrack.com/screen-customer.html>); <http://web.archive.org/web/20011117000929/www.leadtrack.com/sysrequire.html>; <http://web.archive.org/web/20010806085400/leadtrack.com/screen-desktop.html>; <http://web.archive.org/web/20010806080042/leadtrack.com/appfeatures.html>; <http://web.archive.org/web/20010801185319/leadtrack.com/features.html>; <http://web.archive.org/web/20010811025743/leadtrack.com/reports/terr.gif>) hereinafter referred to as "Leadtrack").
8. **Claims 1 and 17:** Leadtrack discloses (see pg. 3 for various "Hardware Requirements")
- *inputting sales leads, having sales lead information, into a sales lead system, the sales lead system identifying an assigned sales agent to work the lead;* (Pg. 1: "data is entered via keyboard"; LEADtrack V7x is the sales lead system; "Mrs. Rebecca Wolfe" is the example of the assigned sales agent.)
  - *transmitting the lead information to a web based lead system, which is associated with the assigned agent;* (pg. 3; para. 4: "Web-Enabled Deployment Requirements")
  - *accessing the lead information, by the assigned sales agent, by accessing the web based lead system;* (pg. 3; para. 4: "Web-Enabled Deployment Requirements"; "No software other than a browser is required at the remote access location." A processor is inherent in the operation of the web-enabled application)
  - *presenting the lead information to the assigned sales agent using an agent processor by transmitting the lead information from the web based lead system to the agent processor, the lead information including dispositioning information, agent note information and source of sale information.* (pg. 1: "This screen displays data"; "Opening Status" provides disposition information; "Notes" button and "Addl Info" button links to note information; and "Source Code" field provides source of sale information.

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9. **Claim 2:** Leadtrack discloses *at least one of potential customer name, personal information and contact information.* (pg. 1).
10. **Claim 3 and 4:** Leadtrack discloses *the lead information presented to the assigned agent is included in a plurality of other lead information respectively associated with a plurality of other leads.* (pg. 1: The left hand column entitled "Company" provides a list of a plurality of leads which are segregated based on the attribute of the company name.).
11. **Claim 6:** Leadtrack discloses *a calendar being presented to the user by the agent processor, the calendar including scheduled appointments for respective associated sales leads.* (pg. 4: calendar and "ToDo List" with appointment information).
12. **Claim 7:** Leadtrack discloses *the assigned sales agent, in conjunction with working the lead, inputs worked information relating to working the lead.* (pg. 1: "Contact History"; "Addl Info" and "Notes" buttons).
13. **Claim 8:** Leadtrack discloses *one of appointment information and call-back information.* (pg. 1: "REQUEST SALES CALL" (call-back information) and pg. 4: "ToDo List" (appointment information)).
14. **Claims 10, 11, 12 and 19:** Leadtrack discloses *accessing the lead information, by a sales management person, the sales management person monitoring working of the lead by the assigned agent and viewing...in real time...in a regional office.* (Pg. 7; para. 2 provides for use of "LEADtrack Plus" by sales departments. Sales management persons are inherently included in a sales department. Pg. 8; para. 1 provides for access remotely over in the Internet through automatic downloads and uploads of sales leads across territories (real time viewing in regional offices)).
15. **Claim 13:** Leadtrack discloses *the assigned agent entering information regarding a new agent generated lead into the agent processor, the new agent generated lead being transmitted to the lead processing portion* (pg. 1), *and wherein feedback information is provided to the assigned agent based on automated processing of the new agent generated lead in the lead processing*

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portion. (pg. 5; bullet 6: feedback is provided via the "automatic on-line checking for duplicates and competitors during data entry.").

- 16. Claims 14 and 18:** Leadtrack discloses *presenting lead detail information, dispositioning information, agent note information and source of sale information to the assigned agent all on a single viewable screen.* (pg. 1 and pg. 5: "Each record has a pop-up window to display Repeat Inquiry History, unlimited Sales Contact History, additional qualifying information..." (agent note information is visible as a pop-up displayed on the "Customer Master File Screen" on pg. 1).

- 17. Claim 20:** Leadtrack discloses

- *inputting sales leads, having sales lead information, into a sales lead system, the sales lead system identifying an assigned sales agent to work the lead;* (Pg. 1: "data is entered via keyboard"; LEADtrack V7x is the sales lead system; "Mrs. Rebecca Wolfe" is the example of the assigned sales agent.)
- *transmitting the lead information to a web based lead system, which is associated with the assigned agent;* (pg. 3; para. 4: "Web-Enabled Deployment Requirements")
- *accessing the lead information, by the assigned sales agent, by accessing the web based lead system;* (pg. 3; para. 4: "Web-Enabled Deployment Requirements"; "No software other than a browser is required at the remote access location." A processor is inherent in the operation of the web-enabled application)
- *presenting the lead information to the assigned sales agent using an agent processor by transmitting the lead information from the web based lead system to the agent processor, the lead information including dispositioning information, agent note information and source of sale information.* (pg. 1: "This screen displays data"; "Opening Status" provides disposition information; "Notes" button and "Addl Info" button links to note information; and "Source Code" field provides source of sale information.
- *the assigned agent entering information regarding a new agent generated lead into the agent processor, the new agent generated lead being transmitted to the lead processing portion* (pg. 1), *and wherein feedback information is provided to the assigned agent based on*

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- automated processing of the new agent generated lead in the lead processing portion.* (pg. 5;
- bullet 6: feedback is provided via the "automatic on-line checking for duplicates and competitors during data entry.")
- *presenting lead detail information, dispositioning information, agent note information and source of sale information to the assigned agent all on a single viewable screen.* (pg. 1 and pg. 5: "Each record has a pop-up window to display Repeat Inquiry History, unlimited Sales Contact History, additional qualifying information..." (agent note information is visible as a pop-up displayed on the "Customer Master File Screen" on pg. 1).

### ***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. **Claims 5 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Leadtrack.com (pages documented from the Internet Archive on July 21, 2001 (<http://web.archive.org/web/20010806083606/leadtrack.com/screen-customer.html>); <http://web.archive.org/web/20011117000929/www.leadtrack.com/sysrequire.html>; <http://web.archive.org/web/20010806085400/leadtrack.com/screen-desktop.html>; <http://web.archive.org/web/20010806080042/leadtrack.com/appfeatures.html>; <http://web.archive.org/web/20010801185319/leadtrack.com/features.html>; <http://web.archive.org/web/20010811025743/leadtrack.com/reports/terr.gif>) hereinafter referred to as "Leadtrack") in view of Melchione et al. (US Pat. No. 5,930,764 hereinafter referred to as "Melchione").

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20. **Claim 5:** Leadtrack discloses the method of claim 4. Leadtrack does not disclose *leads that have not been previously worked by another agent is presented to the assigned agent separately from leads that have been previously worked by another agent.*
21. Melchione, however, discloses the "lead audit trail screen displays leads that have been worked by others" as a selectable feature, therefore presenting the data separately. (col. 40; lines 27-31).
22. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included separately displaying previously worked leads, as disclosed by Melchione, in the system disclosed by Leadtrack, for the motivation of displaying leads that have been worked by others that are reassigned as a result of employee reassignment or turnover.
23. **Claim 9:** Leadtrack discloses the method of claim 7. Leadtrack further discloses *lead disposition information being input by the assigned agent upon completing working of the lead by the assigned agent* (pg. 9; "Lead Status Key:... E—ON-GOING DISCUSSIONS").
24. Leadtrack does not disclose *the disposition information controlling further automated processing of the sales lead.*
25. Melchione, however, discloses flagging a customer "as a managed household to alert other sales staff that the customer has an exclusive relationship with a personal banker. It also guarantees that leads distributed...are assigned to the personal banker for that customer." (col. 36; lines 47-56).
26. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included processing controlled by disposition information, as disclosed by Melchione, in the system disclosed by Leadtrack, for the motivation of providing the customer with the benefit of dealing with only one banker. (Melchione; col.36; lines 56-58).



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27. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leadtrack.com (pages documented from the Internet Archive on July 21, 2001 (<http://web.archive.org/web/20010806083606/leadtrack.com/screen-customer.html>); <http://web.archive.org/web/20011117000929/www.leadtrack.com/sysrequire.html>; <http://web.archive.org/web/20010806085400/leadtrack.com/screen-desktop.html>; <http://web.archive.org/web/20010806080042/leadtrack.com/appfeatures.html>; <http://web.archive.org/web/20010801185319/leadtrack.com/features.html>; <http://web.archive.org/web/20010811025743/leadtrack.com/reports/terr.gif>) hereinafter referred to as "Leadtrack") in view of Hollister (US Pub. No. 2003/0229504) in view of **Official Notice**.
28. **Claims 15 and 16:** Leadtrack discloses the method of claim 14. Leadtrack does not distinguish between the agent and the company as the source of the leads (a lead is an example of sale information) and therefore being presented on a single viewable screen.
29. However, Hollister discloses, "If a broker generates the lead through his marketing activities, he/she frequently charges the agent a referral fee (like 25-30% of the commission)." (para. [0024]).
30. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included identifying the source of the lead (sale information) as to whether agent or company (e.g., broker) generated in order to determine commissions, as disclosed by Hollister, in the system disclosed by Leadtrack, for the motivation of providing fair compensation for expenses incurred by a broker to generate leads. (Hollister: para. [0024]: whoever pays to generate the lead "owns" the lead.)
31. The Examiner takes **Official Notice** that it is old and well known in the database arts to customize the format of data tables to include user definable fields such that all pertinent data can be displayed in a single screen.
32. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included viewing all pertinent data on one screen in the system disclosed by Leadtrack, for the motivation of providing summary reports.

***Provisional Double Patenting***

33. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
34. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.
35. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).
36. Claims 1-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of copending Application No. 10/602592, claims 1-20 of Application No. 10/602593, claims 1-25 of Application No. 10/602707 and claims 1-29 of Application No. 10/602923. Although the conflicting claims are not identical, they are all supported by near duplicate disclosures. The differences between the five disclosures is minimal and as such, the subject matter claimed in the instant application is fully disclosed in the referenced copending applications and would be covered by any patent granted on either copending application since the referenced copending applications and the instant application are

claiming the common subject matter of systems and methods for processing, validating, assigning, distributing and managing sales leads. Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application.


37. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

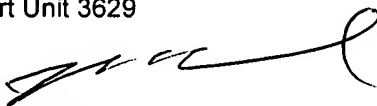
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is 571-270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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